2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Memorandum of the Government of Mongolia regarding the consolidation of its international security and nuclear-weapon-free status

A brief history of the issue

1. In the second half of the twentieth century, Mongolia maintained an alliance with the Soviet Union and was host to a number of Soviet military bases containing tens of thousands of troops and substantial military hardware, including weapons of mass destruction.

2. In the aftermath of the Cold War and the withdrawal of the troops of the Soviet Union/Russian Federation from its territory, Mongolia undertook a major reassessment of its security environment. As a result, a ban was imposed on the deployment of foreign troops and weapons of mass destruction, including nuclear weapons, on Mongolian territory and on their transit through Mongolia. In September 1992, President P. Ochirbat of Mongolia addressed the United Nations General Assembly and declared Mongolia a nuclear-weapon-free zone. He proposed to have this status internationally guaranteed.[1] This policy was subsequently reflected in the country's national security concept.[2]

3. Mongolia's declaration of its territory as a single-State nuclear-weapon-free zone was a novel move. Nevertheless, it was rooted in the 1975 special report of the Conference of the Committee on Disarmament entitled "Comprehensive study of the question of nuclear-weapon-free zones in all its aspects" (A/10027/Add.1), in which it was pointed out that nuclear-weapon-free zones might be established not only on entire continents or in large geographical regions, but also by smaller groups of States and even individual countries. Furthermore, in 1976 the General Assembly expressed the hope that the study would be of assistance to States interested in the establishment of such zones (see resolution 31/70, para. 5). During the Cold War, no attempts were made by any State to establish a single-State nuclear-weapon-free zone, since endeavouring to establish such zones even in regions free of conflict constituted a challenge.

[1] See the statement of the President of Mongolia on 25 September 1992 at the general debate of the forty-seventh session of the General Assembly.

[2] See para. 23 (5) of the national security concept of Mongolia of June 1994.

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4. When advocating a single-State nuclear-weapon-free zone for itself, Mongolia proceeded from the view that traditional nuclear-weapon-free zones left out what could be termed "blind spots", i.e., territories of States, particularly Mongolia, that, owing to accidents of geography, were not physically contiguous with the territories of States constituting a nuclear-weapon-free zone. Mongolia was thus prevented from joining the efforts aimed at creating a Central Asian nuclear-weapon-free zone, hence Mongolia's belief that individual States ought to be able to promote their security through declaring their territories nuclear-weapon-free zones. Such an approach not only is consistent with international law, which proclaims the sovereign equality of States, but also contributes to ensuring stability in the regions involved.

5. Mongolia's initiative was welcomed by nuclear-weapon and non-nuclear-weapon States alike. In 1993 and 1994, the former made unilateral statements in support of the initiative. In the Treaty of Friendship and Cooperation between Mongolia and the Russian Federation, concluded in January 1993, the Russian Federation pledged to "respect Mongolia's policy of not admitting the deployment on and transit through its territory of foreign troops, nuclear weapons and other weapons of mass destruction" (see art. 4). China declared that its pledge not to use or threaten to use nuclear weapons against nuclear-weapon-free zones or States applied to Mongolia. The United States of America and the United Kingdom of Great Britain and Northern Ireland stated that Mongolia would benefit from their positive and negative security assurances. France declared that its negative security assurances applied to Mongolia. The Government of Mongolia welcomed those statements of support as a sign of the political support of those Governments for the policy. That support was not meant, however, to recognize Mongolia's single-State nuclear-weapon-free zone status as an international norm, nor was it meant to extend to Mongolia the legally binding security assurances extended to traditional nuclear-weapon-free zones. Therefore, Mongolia has persevered in its efforts to have its nuclear-weapon-free status institutionalized as a single-State nuclear-weapon-free zone.

6. As for non-nuclear-weapon States, they have all expressed full support for Mongolia's policy in general, and for its efforts to institutionalize Mongolia's nuclear-weapon-free status in particular.[3]

Steps taken to institutionalize Mongolia's nuclear-weapon-free status as a single-State nuclear-weapon-free zone

7. In 1997, the United Nations Disarmament Commission took up the issue of guidelines for establishing nuclear-weapon-free zones. Mongolia proposed that the issue of establishing single-State nuclear-weapon-free zones should be considered simultaneously, and presented a working paper for the Commission's consideration. That working paper (A/CN.10/195) contained draft principles for establishing such zones, elements of a model agreement regarding such zones and possible stages of consideration of guidelines for establishing single-State nuclear-weapon-free zones. The Commission was in general receptive to Mongolia's proposals, but the five permanent members of the Security Council deemed that a parallel consideration of Mongolia's proposal would be a distraction from considering the issue of the

[3] See the documents of the summits and ministerial meetings of the Non-Aligned Movement of 1995, 1997, 1998, 2001-2003, 2008 and 2009.

establishment of additional traditional zones. Given the novelty of the concept of a single-State nuclear-weapon-free zone, Mongolia took a flexible position and opted for pursuing the matter by raising it with the permanent five States individually.[4]

8. In the course of the consultations held with individual permanent five members, it became evident that they were reluctant to accept the idea of a single State declaring itself a nuclear-weapon-free zone. Their argument was that, despite the fact that final negotiations were being held at that time regarding the establishment of nuclear-weapon-free zones in Africa and South-East Asia, such an approach would detract from or undermine the incentives for establishing traditional nuclear-weapon-free zones. Mongolia once again showed flexibility and agreed for its nuclear-free policy to be referred to as "nuclear-weapon-free status" until such time as the permanent five were comfortable with the concept of a single-State nuclear-weapon-free zone.

9. In 1998, after a series of consultations, a political understanding was reached between the five permanent members of the Security Council and Mongolia to the effect that, until Mongolia's status was clearly defined, the permanent five would be supportive of Mongolia's nuclear-weapon-free status and would address Mongolia's security issues in a broader context. This political understanding was embodied in General Assembly resolution 53/77 D, entitled "Mongolia's international security and nuclear-weapon-free status", which was adopted on 4 December 1998.

10. Following up on its commitment to a nuclear-weapon-free Mongolia, the State Great Hural (Parliament) of Mongolia adopted, in February 2000, a law that defines the country's nuclear-weapon-free status at the national level (see A/55/56-S/2000/160, annex I). The law addresses such issues as the prohibition of the stationing on or transit through Mongolian territory of nuclear weapons or parts thereof; the prohibition of dumping or disposing of nuclear-weapons-grade radioactive material or nuclear waste; peaceful uses of nuclear energy and technology; national and international verification; and liability for violation of the legislation. The Parliament also adopted a special resolution on implementation measures (see A/55/56-S/2000/160, annex II). The law mandates that the Government cooperate actively with neighbouring and other relevant States, the International Atomic Energy Agency (IAEA) and other international organizations on implementation matters.

11. The first review of the implementation was undertaken in 2006 by an ad hoc inter-agency group, which reported its findings to the Government and the Parliament. Both the General Assembly and IAEA were informed of the review (see A/61/293, annex).

12. In October 2000, the permanent five issued a joint statement (see A/55/530-S/2000/1052, annex) providing security assurances to Mongolia in connection with its nuclear-weapon-free status. The Government of Mongolia welcomed the joint statement as "an important step towards institutionalizing Mongolia's nuclear-weapon-free status at the international level" (see A/55/491-S/2000/994).

[4] The guidelines adopted by the Commission in 1999 specifically mention Mongolia's case in a footnote that states "Owing to its unique geographical circumstances, Mongolia has declared its nuclear-weapon-free status in order to promote its security. This status was welcomed by the General Assembly in its consensus resolution 53/77 D of 4 December 1998" (see A/54/42, annex I).

13. In September 2001, bearing in mind that Mongolia's nuclear-weapon-free status still lacked clear definition, representatives of Mongolia, the permanent five and the United Nations met in Sapporo, Japan, to consider the ways and means of defining and strengthening Mongolia's status (see A/57/59). The recommendation that emerged from the meeting was that Mongolia should either conclude a trilateral treaty with its two neighbours, the Russian Federation and China, or seek a more ambitious multilateral treaty involving the permanent five as a whole. In January 2002, in a follow-up to the Sapporo recommendations, Mongolia presented to both the Russian Federation and China the draft basic elements of a possible trilateral treaty regarding Mongolia's status. The draft basic elements were generally based on the international practice of establishing nuclear-weapon-free zones, but also reflected the specific situation of Mongolia as a landlocked country with no borders with any other non-nuclear-weapon State.

14. By mid-2002, the Russian Federation and China had responded positively, in principle, to the proposal to conclude a trilateral treaty and offered their concrete suggestions as to its substance. In April 2004, China announced that it had "responded positively to the Mongolian proposal to conclude a treaty" among China, Mongolia and the Russian Federation.[5]

15. In September 2007, Mongolia presented the draft trilateral treaty to the Russian Federation and China and expressed the hope that negotiations could be commenced in the near future. In the most important political development with regard to Mongolia's nuclear-weapon-free status since the joint statement of the permanent five, the Russian Federation and China both expressed a readiness to address the issue of institutionalizing Mongolia's status.

16. In March and September 2009, the three sides held preliminary meetings in Geneva to exchange views on the draft trilateral treaty. Mongolia explained the treaty's purpose and provisions; this was followed by a candid exchange of views on the draft text and its specific provisions. At the end of the second meeting, the Russian Federation and China presented a joint paper containing questions and comments on some provisions of the draft. Mongolia is now carefully studying this joint nine-page inquiry. At the Geneva meetings, both the Russian Federation and China expressed the desire to see the other three nuclear-weapon States — the United States, the United Kingdom and France — also join the talks at some point, since they believed that the security assurances to Mongolia needed to be extended by all permanent five States.

17. The date for the next meeting is yet to be set. Mongolia believes that the preliminary meetings have set the stage for the commencement of actual negotiations.

18. Mongolia's nuclear-weapon-free status enjoys broad support within the international community, as reflected in a number of international and bilateral documents.[6] This support is first and foremost evidenced by the consideration by the General Assembly every two years of the item entitled "Mongolia's international security and nuclear-weapon-free status" and the adoption of relevant resolutions.

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[5] See the documents of the third session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

[6] Some of the endorsements can be found in A/61/293, annex.

19. The Non-Aligned Movement has, from the very outset, been strongly supportive of Mongolia's nuclear-weapon-free initiative. In 1995, at the Non-Aligned Movement Cartagena summit, Mongolia's policy was welcomed as a commendable contribution to regional stability and confidence-building. At the 2003 Kuala Lumpur summit, it was declared that institutionalization of the status would be an important measure towards strengthening the non-proliferation regime in the region. At the 2009 Sharm el-Sheikh summit, the start of talks by Mongolia with its two neighbours to conclude the required legal instrument was welcomed, and hope was expressed that the talks would soon result in the conclusion of an international instrument institutionalizing Mongolia's status. In Asia, the Association of Southeast Asian Nations Regional Forum has, on a number of occasions, expressed support for Mongolia's policy and the status.

20. The first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, from 26 to 28 April 2005, invited Mongolia to participate as a full-fledged participant. In its final declaration, the Conference expressed recognition of and full support for Mongolia's nuclear-weapon-free status (see A/60/121, annex III, para. 17). To implement the decisions of the Mexico conference, a nuclear-weapon-free zone focal point was appointed within Mongolia's Ministry of Foreign Affairs and Trade. The focal point has established formal relations with the treaty agencies of nuclear-weapon-free zones and is engaged in exchanges of information and consultations as needed.

21. In April 2009, Mongolia's focal point hosted the first meeting of nuclear-weapon-free zone focal points in Ulaanbaatar, to exchange views on the preparations for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as for the second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, to be held on 30 April 2010 in New York. At the meeting, issues of better coordination and cooperation among nuclear-weapon-free zones were discussed. A joint statement regarding some aspects of the preparations for the above-mentioned conferences was adopted. In May 2009, the document was circulated as a working document of the third session of the Preparatory Committee for the 2010 Review Conference (see NPT/CONF.2010/PC.III/8).

22. Mongolia's initiative also enjoys growing support among international non-governmental organizations. Thus, in 2007 at the North-East Asian regional meeting of the Global Partnership for the Prevention of Armed Conflict, it was noted that institutionalization of Mongolia's nuclear-weapon-free status as a single-State nuclear-weapon-free zone "would be an important measure of preventive diplomacy and would enhance predictability in the region", and support was expressed for Mongolia's policy of neutrality. At the meeting, it was also noted that such a nuclear-weapon-free zone would eliminate a possible blind spot in the emerging network of nuclear-weapon-free zones. In 2007, similar support was expressed at the North Asia regional meeting of International Physicians for the Prevention of Nuclear War.

23. In 2004, pursuant to the General Assembly resolution on "Mongolia's international security and nuclear-weapon free status", the United Nations Development Programme and the Department of Economic and Social Affairs of the United Nations Secretariat commissioned a study of Mongolia's economic security

and ecological vulnerability, and presented its findings and recommendations to the Government of Mongolia.

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24. In 2000, Mongolia's nuclear-weapon-free status was mentioned, for the first time, in a document of a Review Conference. In that document, Mongolia's declaration of its status was welcomed by and received the support of the participants at the Review Conference, who took note of the adoption of the national legislation.[7] The draft final document of the 2005 Review Conference also made reference to Mongolia's nuclear-weapon-free status, but the final document was never adopted. The Non-Aligned Movement's joint working paper on nuclear-weapon-free zones presented to the first session of the Preparatory Committee for the 2010 Review Conference noted that "... the further institutionalization of Mongolia's nuclear-weapon-free status would be an important measure towards strengthening the non-proliferation regime in that region" (see NPT/CONF.2010/PC.I/WP.11). As part of preparations for the 2010 Review Conference, Mongolia submitted to the second session of the Preparatory Committee a working paper outlining its position on nuclear-weapon-free zones (NPT/CONF.2010/PC.II/WP.1). In that document, the importance of promoting closer cooperation between various nuclear-weapon-free zones was underlined, and a comprehensive study was called for on the issue of nuclear-weapon-free zones in all its aspects, highlighting the experience of establishing such zones, their strengths and weaknesses, their comparative advantages and their role in promoting the goals of non-proliferation and nuclear disarmament in the twenty-first century.

25. On 16 February 2010, Mongolia convened a round-table discussion in Vienna on the theme "Reinforcing the Non-Proliferation Treaty: challenges and opportunities", which was attended by representatives of United Nations Member States and the United Nations community in Vienna. The round table provided an occasion to freely exchange information and share views on some of the issues of the 2010 Review Conference. Among other things, participants in the round table discussed the importance of passing national legislation to complement regional and international efforts to promote the objectives of nuclear disarmament and non-proliferation.

The way forward

26. The purpose of the present memorandum is to demonstrate that Mongolia's nuclear-weapon-free status enjoys the broad support and recognition of the international community. It is the policy of the Government of Mongolia to continue its efforts aimed at institutionalizing this status by concluding an international treaty clearly defining that status. In the years ahead, the Government of Mongolia will strengthen its relations and cooperation with nuclear-weapon-free zones. It is the belief of the Government of Mongolia that nuclear-weapon-free zones play an important role in strengthening the non-proliferation regime and promoting nuclear disarmament, and that they are a valuable contribution to the efforts aimed at achieving a world free of nuclear weapons.

[7] See the Final Document of the 2000 Review Conference, part I, section entitled "Article VII and the security of non-nuclear-weapon States", para. 8.